

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

BOBBY McGUIRE,

Plaintiff,

-vs-

Case No. 15-C-0093

**CAROLYN W. COLVIN,
Acting Commissioner of Social Security,**

Defendant.

DECISION AND ORDER

Plaintiff Bobby McGuire (“McGuire”) was allowed to proceed *in forma pauperis* on his appeal from the denial of his application(s) for social security disability insurance benefits. (ECF No. 3.) On January 28, 2015, the Court issued a briefing letter setting a May 11, 2015, deadline for McGuire to file his initial brief. (ECF No. 5.)

On June 17, the Defendant, Acting Commissioner of the Social Security Administration, filed a motion to dismiss the action based on McGuire’s failure to comply with the Court’s scheduling order by filing a brief by May 11. (ECF No. 13.) To date, McGuire has not responded to the motion to dismiss or filed a brief in support of his appeal. His most recent filing was on March 23, when he filed a form consenting to the jurisdiction of the United States Magistrate Judge. (ECF No. 11.)

McGuire is advised that Civil L.R. 41 provides:

Whenever it appears to the Court that the plaintiff is not diligently prosecuting the action, the Court may enter an order of dismissal with or without prejudice. Any affected party may petition for reinstatement of the action within 21 days.

No later than September 18, 2015, McGuire must file a brief in support of his appeal. Failure to do so will result in dismissal of this action for failure to prosecute without further order of the Court.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS
HEREBY ORDERED THAT:**

No later than September 18, 2015, McGuire MUST FILE a brief in support of his appeal. Failure to do so will result in dismissal of this action for failure to prosecute without further order of the Court.

Dated at Milwaukee, Wisconsin, this 3rd day of September, 2015.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge